

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
RC PETITION

DO NOT WRITE IN THIS SPACE

Case No.


22-RC-273054

Date Filed

2/22/2021

INSTRUCTIONS: Unless e-Filed using the Agency's website, www.nlrb.gov/, submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located. The petition must be accompanied by both a showing of interest (see 6b below) and a certificate of service showing service on the employer and all other parties named in the petition of: (1) the petition; (2) Statement of Position form (Form NLRB-505); and (3) Description of Representation Case Procedures (Form NLRB 4812). The showing of interest should only be filed with the NLRB and should not be served on the employer or any other party.

1. PURPOSE OF THIS PETITION: RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees. **The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.**

| | | | |
|---|--|---|---|
| 2a. Name of Employer: Gannett Co., Inc. dba North Jersey Media Group | | 2b. Address(es) of Establishment(s) involved (Street and number, City, State, ZIP code): 1 Garret Mountain Plaza, PO Box 471, Woodland Park, NJ 07424; 2 Spring St, Newton, NJ 07860; 100 Commons Way, Rockaway, NJ 07866 | |
| 3a. Employer Representative - Name and Title: Daniel Sforza, Executive Editor | | 3b. Address (if same as 2b - state same): 1 Garret Mountain Plaza, PO Box 471, Woodland Park, NJ 07424 | |
| 3c. Tel. No. (973) 569-7100 | 3d. Cell No. | 3e. Fax No. | 3f. E-Mail Address sforza@northjersey.com |
| 4a. Type of Establishment (Factory, mine, wholesaler, etc.) Newsroom | | 4b. Principal Product or Service News Media | |
| 5b. Description of Unit Involved: Included: All full-time and regular part-time editorial employees of the Employer. Excluded: All other employees, including managers, guards and supervisors as defined by the Act | | 5a. City and State where unit is located: Woodland Park, Newton, Rockaway and Trenton, NJ | |
| | | 6a. Number of Employees in Unit: 100 | |
| | | 6b. Do a substantial number (30% or more) of the employees in the unit wish to be represented by the Petitioner? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| Check One: <input checked="" type="checkbox"/> 7a. Request for recognition as Bargaining Representative was made on (Date) 02/10/21 and Employer declined recognition on or about (Date) 02/15/21 (If no reply received, so state). <input type="checkbox"/> 7b. Petitioner is currently recognized as Bargaining Representative and desires certification under the Act. | | | |
| 8a. Name of Recognized or Certified Bargaining Agent (If none, so state) | | 8b. Address: | |
| 8c. Tel. No. | 8d. Cell No. | 8e. Fax No. | 8f. E-Mail Address |
| 8g. Affiliation, if any: | | 8h. Date of Recognition or Certification | |
| | | 8i. Expiration Date of Current or Most Recent Contract, if any (Month, Day, Year) | |
| 9. Is there now a strike or picketing at the Employer's establishment(s) involved? If so, approximately how many employees are participating? _____ (Name of Labor Organization) _____, has picketed the Employer since (Month, Day, Year) _____ | | | |
| 10. Organizations or individuals other than Petitioner and those named in items 8 and 9, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in the unit described in item 5b above. (If none, so state) | | | |
| 10a. Name | | 10b. Address | |
| | | | |
| 10c. Tel. No. | | 10d. Cell No. | |
| | | | |
| 10e. Fax No. | | 10f. E-Mail Address | |
| | | | |
| 11. Election Details: If the NLRB conducts and election in this matter, state your position with respect to any such election: Election should be conducted by mail given pandemic and WFH status of employees | | 11a. Election Type: <input type="checkbox"/> Manual <input checked="" type="checkbox"/> Mail <input type="checkbox"/> Mixed Manual/Mail | |
| 11b. Election Date(s): Ballots mailed March 4, 2021 | | 11c. Election Time(s): at 9:30 a.m. | |
| 11d. Election Location(s): | | | |
| 12a. Full Name of Petitioner (including local name and number): NewsGuild of New York, Local 31003 | | 12b. Address (street and number, city, State and ZIP code): 1500 Broadway, #900, New York, NY 10036 | |
| 12c. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (if none, so state): Communications Workers of America | | | |
| 12d. Tel. No. (212) 575-1580 | 12e. Cell No. | 12f. Fax No. | 12g. E-Mail Address bryan@nyguild.org |
| 13. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding. | | | |
| 13a. Name and Title: Thomas J. Lamadrid, Counsel | | 13b. Address (street and number, city, State and ZIP code): Eisner Dictor & Lamadrid, P.C., 39 Broadway, Suite 1540, New York, NY 10006 | |
| 13c. Tel. No. (212) 473-8700 | 13d. Cell No. (212) 979-7129 | 13e. Fax No. (212) 473-8700 | 13f. E-Mail Address thomas@einserdictor.com |
| I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief. | | | |
| Name (Print) Thomas J. Lamadrid | | Signature  | Title Counsel |
| | | Date 02/16/21 | |

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 22

Agency Website: www.nlrb.gov
Telephone:
Fax:



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February 23, 2021

URGENT

DANIEL SFORZA, EXECUTIVE EDITOR
GANNETT CO., DBA NORTH JERSEY MEDIA GROUP
1 GARRET MOUNTAIN PLAZA, PO BOX 471
WOODLAND PARK, NJ 07424

Re: **Gannett Co., Inc. dba**
North Jersey Media Group
Case 22-RC-273054

Dear Mr. Sforza:

Enclosed is a copy of a petition that NEWS GUILD OF NEW YORK, LOCAL 31003, CWA filed with the National Labor Relations Board (NLRB) seeking to represent certain of your employees. After a petition is filed, the employer is required to promptly take certain actions so please read this letter carefully to make sure you are aware of the employer's obligations. This letter tells you how to contact the Board agent who will be handling this matter, about the requirement to post and distribute the Notice of Petition for Election, the requirement to complete and serve a Statement of Position Form, the Petitioner's requirement to complete and serve a Responsive Statement of Position Form, a scheduled hearing in this matter, other information needed including a voter list, your right to be represented, and NLRB procedures, including how to submit documents to the NLRB.

Investigator: This petition will be investigated by Board Agent AVINISH V. KUMA whose telephone number is (862)229-7030. The Board agent will contact you shortly to discuss processing the petition. If you have any questions, please do not hesitate to call the Board agent. If the agent is not available, you may contact Supervisory Field Examiner FRANK W. FLORES whose telephone number is (862)229-7051. The Board agent may also contact you and the other party or parties to schedule a conference meeting or telephonic or video conference for some time before the close of business the day following receipt of the final Responsive Statement(s) of Position. This will give the parties sufficient time to determine if any issues can be resolved prior to hearing or if a hearing is necessary. If appropriate, the NLRB attempts to schedule an election either by agreement of the parties or by holding a hearing and then directing an election.

Required Posting and Distribution of Notice: You must post the enclosed Notice of Petition for Election by **Tuesday, March 2, 2021** in conspicuous places, including all places where notices to employees are customarily posted. The Notice of Petition for Election must be posted so all pages are simultaneously visible. If you customarily communicate electronically with employees in the petitioned-for unit, you must also distribute the notice electronically to them. You must maintain the posting until the petition is dismissed or withdrawn or this notice

is replaced by the Notice of Election. Posting and distribution of the Notice of Petition for Election will inform the employees whose representation is at issue and the employer of their rights and obligations under the National Labor Relations Act in the representation context. Failure to post or distribute the notice may be grounds for setting aside an election if proper and timely objections are filed.

Required Statement of Position: In accordance with Section 102.63(b) of the Board's Rules, the employer is required to complete the enclosed Statement of Position form (including the attached Commerce Questionnaire), have it signed by an authorized representative, and file a completed copy (with all required attachments) with this office and serve it on all parties named in the petition such that it is received by them by **noon Eastern Time on Friday, March 5, 2021**. This form solicits information that will facilitate entry into election agreements or streamline the pre-election hearing if the parties are unable to enter into an election agreement. **This form must be e-Filed, but unlike other e-Filed documents, will *not* be timely if filed on the due date but after noon Eastern Time.** If you have questions about this form or would like assistance in filling out this form, please contact the Board agent named above.

List(s) of Employees: The employer's Statement of Position must include a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. If the employer contends that the proposed unit is inappropriate, the employer must separately list the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit to make it an appropriate unit. The employer must also indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit. These lists must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the lists in the required form, the lists must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at [www.nlr.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx](http://www.nlr.gov/sites/default/files/attachments/basic-page/node-4559/Optional%20Forms%20for%20Voter%20List.docx)

Failure to Supply Information: Failure to supply the information requested by this form may preclude you from litigating issues under Section 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction

to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§ 102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

Responsive Statement of Position: In accordance with Section 102.63(b) of the Board's Rules, following timely filing and service of an employer's Statement of Position, the petitioner is required to complete the enclosed Responsive Statement of Position form, have it signed by an authorized representative, and file a completed copy with any necessary attachments, with this office and serve it on all parties named in the petition responding to the issues raised in the employer's Statement of Position, such that it is received no later than **noon Eastern Time on Wednesday, March 10, 2021.**

Notice of Hearing: Enclosed is a Notice of Representation Hearing to be conducted at **9:30 a.m. on Monday, March 15, 2021**, if the parties do not voluntarily agree to an election. If a hearing is necessary, the hearing will run on consecutive days until concluded unless the regional director concludes that extraordinary circumstances warrant otherwise. Before the hearing begins, the NLRB will continue to explore potential areas of agreement with the parties in order to reach an election agreement and to eliminate or limit the costs associated with formal hearings.

Upon request of a party showing good cause, the regional director may postpone the hearing. A party desiring a postponement should make the request to the regional director in writing, set forth in detail the grounds for the request, and include the positions of the other parties regarding the postponement. E-Filing the request is required. A copy of the request must be served simultaneously on all the other parties, and that fact must be noted in the request.

Other Information Needed Now: Please submit to this office, as soon as possible, the following information needed to handle this matter:

- (a) A copy of any existing or recently expired collective-bargaining agreements, and any amendments or extensions, or any recognition agreements covering any of your employees in the unit involved in the petition (the petitioned-for unit);
- (b) The name and contact information for any other labor organization (union) claiming to represent any of the employees in the petitioned-for unit;
- (c) If potential voters will need notices or ballots translated into a language other than English, the names of those languages and dialects, if any.
- (d) If you desire a formal check of the showing of interest, you must provide an alphabetized payroll list of employees in the petitioned-for unit, with their job classifications, for the payroll period immediately before the date of this petition. Such a payroll list should be submitted as early as possible prior to the hearing. Ordinarily a formal check of the showing of interest is not performed using the employee list submitted as part of the Statement of Position.

Voter List: If an election is held in this matter, the employer must transmit to this office and to the other parties to the election, an alphabetized list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cellular telephone numbers) of eligible voters. Usually, the list must be furnished within 2 business days of the issuance of the Decision and Direction of Election or approval of an election agreement. I am advising you of this requirement now, so that you will have ample time to prepare this list. The list must be electronically filed with the Region and served electronically on the other parties. To guard against potential abuse, this list may not be used for purposes other than the representation proceeding, NLRB proceedings arising from it or other related matters.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or at the Regional office upon your request.

If someone contacts you about representing you in this case, please be assured that no organization or person seeking your business has any “inside knowledge” or favored relationship with the NLRB. Their knowledge regarding this matter was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Procedures: Pursuant to Section 102.5 of the Board’s Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency’s web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its

February 23, 2021

determinations solely based on the documents and evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the petition.

Information about the NLRB and our customer service standards is available on our website, www.nlr.gov, or from an NLRB office upon your request. We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Eric S. [unclear]", with a long horizontal flourish extending to the right.

Acting Regional Director

Enclosures

1. Petition
2. Notice of Petition for Election (Form 5492)
3. Notice of Representation Hearing
4. Description of Procedures in Certification and Decertification Cases (Form 4812)
5. Statement of Position form and Commerce Questionnaire (Form 505)
6. Responsive Statement of Position (Form 506)



National Labor Relations Board



NOTICE OF PETITION FOR ELECTION

This notice is to inform employees that NEWS GUILD OF NEW YORK, LOCAL 31003, CWA has filed a petition with the National Labor Relations Board (NLRB), a Federal agency, in Case 22-RC-273054 seeking an election to become certified as the representative of the employees of Gannett Co., dba North Jersey Media Group in the unit set forth below:

Included: All full-time and regular part-time editorial employees of the Employer.

Excluded: All other employees, including managers, guards and supervisors as defined by the Act.

This notice also provides you with information about your basic rights under the National Labor Relations Act, the processing of the petition, and rules to keep NLRB elections fair and honest.

YOU HAVE THE RIGHT under Federal Law

- To self-organization
- To form, join, or assist labor organizations
- To bargain collectively through representatives of your own choosing
- To act together for the purposes of collective bargaining or other mutual aid or protection
- To refuse to do any or all of these things unless the union and employer, in a state where such agreements are permitted, enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the union that they object to the use of their payments for nonrepresentational purposes may be required to pay only their share of the union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustments).

PROCESSING THIS PETITION

Elections do not necessarily occur in all cases after a petition is filed. **NO FINAL DECISIONS HAVE BEEN MADE YET** regarding the appropriateness of the proposed unit or whether an election will be held in this matter. If appropriate, the NLRB will first see if the parties will enter into an election agreement that specifies the method, date, time, and location of an election and the unit of employees eligible to vote. If the parties do not enter into an election agreement, usually a hearing is held to receive evidence on the appropriateness of the unit and other issues in dispute. After a hearing, an election may be directed by the NLRB, if appropriate.

IF AN ELECTION IS HELD, it will be conducted by the NLRB by secret ballot and Notices of Election will be posted before the election giving complete details for voting.

ELECTION RULES

The NLRB applies rules that are intended to keep its elections fair and honest and that result in a free choice. If agents of any party act in such a way as to interfere with your right to a free election, the election can be set aside by the NLRB. Where appropriate the NLRB provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with employees' rights and may result in setting aside the election:

- **Threatening loss of jobs or benefits by an employer or a union**
- **Promising or granting promotions, pay raises, or other benefits, to influence an employee's vote by a party capable of carrying out such promises**
- **An employer firing employees to discourage or encourage union activity or a union causing them to be fired to encourage union activity**
- **Making campaign speeches to assembled groups of employees on company time, where attendance is mandatory, within the 24-hour period before the polls for the election first open or, if the election is conducted by mail, from the time and date the ballots are scheduled to be sent out by the Region until the time and date set for their return**
- **Incitement by either an employer or a union of racial or religious prejudice by inflammatory appeals**
- **Threatening physical force or violence to employees by a union or an employer to influence their votes**

Please be assured that IF AN ELECTION IS HELD, every effort will be made to protect your right to a free choice under the law. Improper conduct will not be permitted. All parties are expected to cooperate fully with the NLRB in maintaining basic principles of a fair election as required by law. The NLRB as an agency of the United States Government does not endorse any choice in the election.

For additional information about the processing of petitions, go to www.nlr.gov or contact the NLRB at (973)645-2100.

THIS IS AN OFFICIAL GOVERNMENT NOTICE AND MUST NOT BE DEFACED BY ANYONE. IT MUST REMAIN POSTED WITH ALL PAGES SIMULTANEOUSLY VISIBLE UNTIL REPLACED BY THE NOTICE OF ELECTION OR THE PETITION IS DISMISSED OR WITHDRAWN.



National Labor Relations Board





**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 22**



**GANNETT CO., DBA NORTH JERSEY MEDIA
GROUP**

Employer

and

**NEWSGUILD OF NEW YORK, LOCAL 31003,
CWA**

Petitioner

Case 22-RC-273054

NOTICE OF TELEPHONIC REPRESENTATION HEARING

The Petitioner filed the attached petition pursuant to Section 9(c) of the National Labor Relations Act. It appears that a question affecting commerce exists as to whether the employees in the unit described in the petition wish to be represented by a collective-bargaining representative as defined in Section 9(a) of the Act.

On March 19, 2020, the Board announced that it was suspending all elections, including mail ballot elections, until at least April 3, due to "the extraordinary circumstances related to the COVID-19 pandemic." On April 1, 2020, the Board announced that it would not extend its temporary suspension of Board-conducted elections past April 3, 2020 and would instead resume conducting elections beginning Monday, April 6, 2020, because appropriate measures may be available to permit elections to resume in a safe and effective manner, which will be determined by the Regional Director

On Friday, February 22, 2021, NEWSGUILD OF NEW YORK, LOCAL 31003, CWA filed a representation petition pursuant to Section 9(c) of the National Labor Relations Act seeking to represent a bargaining unit of certain employees employed by **GANNETT CO., DBA NORTH JERSEY MEDIA GROUP**. It appears that a question affecting commerce exists as to whether the employees in the unit described in the petition wish to be represented by a collective-bargaining representative as defined in Section 9(a) of the Act.

YOU ARE HEREBY NOTIFIED that, pursuant to Sections 3(b) and 9(c) of the Act, at 9:30 a.m. on **Monday, March 15, 2021** and on consecutive days thereafter until concluded, at the National Labor Relations Board, a hearing will be conducted before a hearing officer of the National Labor Relations Board.

I have decided to conduct the hearing telephonically due to the extraordinary circumstances of COVID-19 and the directions of state or local authorities including but not limited to Shelter in Place orders, travel restrictions, social distancing and limits on the size of gatherings of individuals.

The hearing officer will hold a pre-hearing teleconference via the Agency's Skype for Business system (with all non-Agency participants using call-in only) at **10:00 AM on Tuesday, March 4, 2021** to discuss the logistics of the hearing.

YOU ARE FURTHER NOTIFIED that, pursuant to Section 102.63(b) of the Board's Rules and Regulations, **Gannett Co., dba North Jersey Media Group** must complete the Statement of Position and file it and all attachments with the Regional Director and serve it on the parties listed on the petition such that it is received by them by no later than **noon** Eastern time on **Friday, March 5, 2021**. Following timely filing and service of a Statement of Position by Gannett Co., dba North Jersey Media Group, the Petitioner must complete its Responsive Statement of Position(s) responding to the issues raised in the Employer's and/or Union's Statement of Position and file them and all attachments with the Regional Director and serve them on the parties named in the petition such that they are received by them no later than **noon** Eastern on **Wednesday, March 10, 2021**.

Pursuant to Section 102.5 of the Board's Rules and Regulations, all documents filed in cases before the Agency must be filed by electronically submitting (E-Filing) through the Agency's website (www.nlr.gov), unless the party filing the document does not have access to the means for filing electronically or filing electronically would impose an undue burden. Documents filed by means other than E-Filing must be accompanied by a statement explaining why the filing party does not have access to the means for filing electronically or filing electronically would impose an undue burden. Detailed instructions for using the NLRB's E-Filing system can be found in the [E-Filing System User Guide](#)

YOU ARE FURTHER NOTIFIED that if the Employer and/or other non-petitioning parties, if any, raise issues in the submitted Statement(s) of Position, and/or if the Petitioner raises issues in the submitted Responsive Statement of Position, for which the Regional Director decides requires witness testimony during the hearing, I will direct that the hearing be conducted by videoconference and, if necessary, reschedule the hearing. If however, the parties agree to a telephonic hearing notwithstanding that witness testimony is required, or if the hearing will not involve witness testimony, it will proceed telephonically. *Morrison Healthcare*, 369 NLRB No. 76 (2020).

To participate in the scheduled telephonic hearing, representatives of the parties should call the number below and enter the provided Conference ID number when prompted to do so.

Conference ID: 160 223 5361
Passcode: 152744
646 828 7666 US (New York)
833 568 8864 US Toll-free

IT IS FURTHER ORDERED that a pre-hearing conference in the above-entitled matter is scheduled for **10:00 A.M. on Tuesday, March 4, 2021**. To participate in the pre-hearing

telephonic conference, representatives of the parties should call the number below and enter the provided Conference ID number when prompted to do so.

Conference ID: (b) (6), (b) (7)(C)
Passcode: (b) (6), (b) (7)(C)
646 828 7666 US (New York)
833 568 8864 US Toll-free

The Statement of Position and Responsive Statement of Position must be E-Filed but, unlike other E-Filed documents, must be filed by **noon** Eastern on the due date in order to be timely. If an election agreement is signed by all parties and returned to the Regional Office before the due date of the Statement of Position, the Statement of Position and Responsive Statement of Position are not required to be filed. If an election agreement is signed by all parties and returned to the Regional office after the due date of the Statement of Position but before the due date of the Responsive Statement of Position, the Responsive Statement of Position is not required to be filed.

Dated: February 23, 2021



ACTING REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 22



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 22

Agency Website: www.nlr.gov
Telephone:
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February 23, 2021

URGENT

NEWSGUILD OF NEW YORK
LOCAL 31003, CWA
1500 BROADWAY, STE 900
NEW YORK, NY 10036

Re: **Gannett Co., Inc. dba**
North Jersey Media Group
Case 22-RC-273054

Dear Sir or Madam:

The enclosed petition that you filed with the National Labor Relations Board (NLRB) has been assigned the above case number. This letter tells you how to contact the Board agent who will be handling this matter; explains your obligation to provide the originals of the showing of interest and the requirement that you complete and serve a Responsive Statement of Position form in response to each timely filed and served Statement(s) of Position; notifies you of a hearing; describes the employer's obligation to post and distribute a Notice of Petition for Election, complete a Statement of Position and provide a voter list; requests that you provide certain information; notifies you of your right to be represented; and discusses some of our procedures including how to submit documents to the NLRB.

Investigator: This petition will be investigated by Board Agent AVINISH V. KUMA whose telephone number is (862)229-7030. The Board agent will contact you shortly to discuss processing the petition. If you have any questions, please do not hesitate to call the Board agent. The Board agent may also contact you and the other party or parties to schedule a conference meeting or telephonic or video conference for some time before the close of business the day following receipt of the final Responsive Statement(s) of Position. This will give the parties sufficient time to determine if any issues can be resolved prior to hearing or if a hearing is necessary. If the agent is not available, you may contact Supervisory Field Examiner FRANK W. FLORES whose telephone number is (862)229-7051. If appropriate, the NLRB attempts to schedule an election either by agreement of the parties or by holding a hearing and then directing an election.

Showing of Interest: If the Showing of Interest you provided in support of your petition was submitted electronically or by fax, the original documents which constitute the Showing of Interest containing handwritten signatures must be delivered to the Regional office within **2 business days**. If the originals are not received within that time the Region will dismiss your petition.

Notice of Hearing: Enclosed is a Notice of Representation Hearing to be conducted at **9:30 a.m. on Monday, March 15, 2021**, if the parties do not voluntarily agree to an election. If a hearing is necessary, the hearing will run on consecutive days until concluded unless the regional director concludes that extraordinary circumstances warrant otherwise. Before the hearing begins, we will continue to explore potential areas of agreement with the parties in order to reach an election agreement and to eliminate or limit the costs associated with formal hearings.

Upon request of a party showing good cause, the regional director may postpone the hearing. A party desiring a postponement should make the request to the regional director in writing, set forth in detail the grounds for the request, and include the positions of the other parties regarding the postponement. E-Filing the request is required. A copy of the request must be served simultaneously on all the other parties, and that fact must be noted in the request.

Posting and Distribution of Notice: The Employer must post the enclosed Notice of Petition for Election by **Tuesday, March 2, 2021** in conspicuous places, including all places where notices to employees are customarily posted. If it customarily communicates electronically with its employees in the petitioned-for unit, it must also distribute the notice electronically to them. The Employer must maintain the posting until the petition is dismissed or withdrawn or this notice is replaced by the Notice of Election. Failure to post or distribute the notice may be grounds for setting aside the election if proper and timely objections are filed.

Statement of Position: In accordance with Section 102.63(b) of the Board's Rules, the Employer is required to complete the enclosed Statement of Position form, have it signed by an authorized representative, and file a completed copy with any necessary attachments, with this office and serve it on all parties named in the petition by **noon Eastern Time on Friday, March 5, 2021**. The Statement of Position must include a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. If the Employer contends that the proposed unit is inappropriate, it must separately list the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit to make it an appropriate unit. The Employer must also indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit.

Required Responsive Statement of Position (RSOP): In accordance with Section 102.63(b) of the Board's Rules, following timely filing and service of a Statement of Position, the petitioner is required to complete the enclosed Responsive Statement of Position form addressing issues raised in any Statement(s) of Position. The petitioner must file a complete, signed RSOP in response to all other parties' timely filed and served Statement of Position, with all required attachments, with this office and serve it on all parties named in the petition such that it is received by them by **noon Eastern Time on Wednesday, March 10, 2021**. This form solicits information that will facilitate entry into election agreements or streamline the pre-election hearing if the parties are unable to enter into an election agreement. **This form must be e-Filed, but unlike other e-Filed documents, will not be timely if filed on the due date but**

after noon Eastern Time. If you have questions about this form or would like assistance in filling out this form, please contact the Board agent named above.

Failure to Supply Information: Failure to supply the information requested by the RSOP form may preclude you from litigating issues under Section 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§ 102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

Voter List: If an election is held in this matter, the Employer must transmit to this office and to the other parties to the election, an alphabetized list of the full names and addresses of all eligible voters, including their shifts, job classifications, work locations, and other contact information including available personal email addresses and available personal home and cellular telephone numbers. Usually, the list must be furnished within 2 business days of the issuance of the Decision and Direction of Election or approval of an election agreement. The list must be electronically filed with the Region and served electronically on the other parties. To guard against potential abuse, this list may not be used for purposes other than the representation proceeding, NLRB proceedings arising from it or other related matters.

Under existing NLRB practice, an election is not ordinarily scheduled for a date earlier than 10 days after the date when the Employer must file the voter list with the Regional Office. However, a petitioner and/or union entitled to receive the voter list may waive all or part of the 10-day period by executing Form NLRB-4483, which is available on the NLRB's website or

from an NLRB office. A waiver will not be effective unless all parties who are entitled to the voter list agree to waive the same number of days.

Information Needed Now: Please submit to this office, as soon as possible, the following information needed to handle this matter:

- (a) The correct name of the Union as stated in its constitution or bylaws.
- (b) A copy of any existing or recently expired collective-bargaining agreements, and any amendments or extensions, or any recognition agreements covering any employees in the petitioned-for unit.
- (c) If potential voters will need notices or ballots translated into a language other than English, the names of those languages and dialects, if any.
- (d) The name and contact information for any other labor organization (union) claiming to represent or have an interest in any of the employees in the petitioned-for unit and for any employer who may be a joint employer of the employees in the proposed unit. Failure to disclose the existence of an interested party may delay the processing of the petition.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before the NLRB. In view of our policy of processing these cases expeditiously, if you wish to be represented, you should obtain representation promptly. Your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If someone contacts you about representing you in this case, please be assured that no organization or person seeking your business has any “inside knowledge” or favored relationship with the NLRB. Their knowledge regarding this matter was obtained only through access to information that must be made available to any member of the public under the Freedom of Information Act.

Procedures: Pursuant to Section 102.5 of the Board’s Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency’s web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determinations solely based on the documents and evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the petition.

Information about the NLRB and our customer service standards is available on our website, www.nlr.gov, or from an NLRB office upon your request. We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Eric S. Shuman", with a long horizontal flourish extending to the right.

Acting Regional Director

Enclosures

1. Petition
2. Notice of Petition for Election (Form 5492)
3. Notice of Representation Hearing
4. Description of Procedures in Certification and Decertification Cases (Form 4812)
5. Statement of Position form and Commerce Questionnaire (Form 505)
6. Responsive Statement of Position (Form 506)

cc: Thomas J. Lamadrid, ESQ.
Eisner & Dictor, P.C.
39 Broadway, Suite 1540
New York, NY 10006-3091



National Labor Relations Board



NOTICE OF PETITION FOR ELECTION

This notice is to inform employees that NEWS GUILD OF NEW YORK, LOCAL 31003, CWA has filed a petition with the National Labor Relations Board (NLRB), a Federal agency, in Case 22-RC-273054 seeking an election to become certified as the representative of the employees of Gannett Co., dba North Jersey Media Group in the unit set forth below:

Included: All full-time and regular part-time editorial employees of the Employer.

Excluded: All other employees, including managers, guards and supervisors as defined by the Act.

This notice also provides you with information about your basic rights under the National Labor Relations Act, the processing of the petition, and rules to keep NLRB elections fair and honest.

YOU HAVE THE RIGHT under Federal Law

- To self-organization
- To form, join, or assist labor organizations
- To bargain collectively through representatives of your own choosing
- To act together for the purposes of collective bargaining or other mutual aid or protection
- To refuse to do any or all of these things unless the union and employer, in a state where such agreements are permitted, enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the union that they object to the use of their payments for nonrepresentational purposes may be required to pay only their share of the union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustments).

PROCESSING THIS PETITION

Elections do not necessarily occur in all cases after a petition is filed. **NO FINAL DECISIONS HAVE BEEN MADE YET** regarding the appropriateness of the proposed unit or whether an election will be held in this matter. If appropriate, the NLRB will first see if the parties will enter into an election agreement that specifies the method, date, time, and location of an election and the unit of employees eligible to vote. If the parties do not enter into an election agreement, usually a hearing is held to receive evidence on the appropriateness of the unit and other issues in dispute. After a hearing, an election may be directed by the NLRB, if appropriate.

IF AN ELECTION IS HELD, it will be conducted by the NLRB by secret ballot and Notices of Election will be posted before the election giving complete details for voting.

ELECTION RULES

The NLRB applies rules that are intended to keep its elections fair and honest and that result in a free choice. If agents of any party act in such a way as to interfere with your right to a free election, the election can be set aside by the NLRB. Where appropriate the NLRB provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with employees' rights and may result in setting aside the election:

- Threatening loss of jobs or benefits by an employer or a union
- Promising or granting promotions, pay raises, or other benefits, to influence an employee's vote by a party capable of carrying out such promises
- An employer firing employees to discourage or encourage union activity or a union causing them to be fired to encourage union activity
- Making campaign speeches to assembled groups of employees on company time, where attendance is mandatory, within the 24-hour period before the polls for the election first open or, if the election is conducted by mail, from the time and date the ballots are scheduled to be sent out by the Region until the time and date set for their return
- Incitement by either an employer or a union of racial or religious prejudice by inflammatory appeals
- Threatening physical force or violence to employees by a union or an employer to influence their votes

Please be assured that IF AN ELECTION IS HELD, every effort will be made to protect your right to a free choice under the law. Improper conduct will not be permitted. All parties are expected to cooperate fully with the NLRB in maintaining basic principles of a fair election as required by law. The NLRB as an agency of the United States Government does not endorse any choice in the election.

For additional information about the processing of petitions, go to www.nlr.gov or contact the NLRB at (973)645-2100.

THIS IS AN OFFICIAL GOVERNMENT NOTICE AND MUST NOT BE DEFACED BY ANYONE. IT MUST REMAIN POSTED WITH ALL PAGES SIMULTANEOUSLY VISIBLE UNTIL REPLACED BY THE NOTICE OF ELECTION OR THE PETITION IS DISMISSED OR WITHDRAWN.



National Labor Relations Board





**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 22**



| | |
|---|--------------------------|
| GANNETT CO., DBA NORTH JERSEY MEDIA GROUP Employer and NEWS GUILD OF NEW YORK, LOCAL 31003, CWA Petitioner | Case 22-RC-273054 |
|---|--------------------------|

NOTICE OF TELEPHONIC REPRESENTATION HEARING

The Petitioner filed the attached petition pursuant to Section 9(c) of the National Labor Relations Act. It appears that a question affecting commerce exists as to whether the employees in the unit described in the petition wish to be represented by a collective-bargaining representative as defined in Section 9(a) of the Act.

On March 19, 2020, the Board announced that it was suspending all elections, including mail ballot elections, until at least April 3, due to “the extraordinary circumstances related to the COVID-19 pandemic.” On April 1, 2020, the Board announced that it would not extend its temporary suspension of Board-conducted elections past April 3, 2020 and would instead resume conducting elections beginning Monday, April 6, 2020, because appropriate measures may be available to permit elections to resume in a safe and effective manner, which will be determined by the Regional Director

On Monday, February 22, 2021, NEWS GUILD OF NEW YORK, LOCAL 31003, CWA filed a representation petition pursuant to Section 9(c) of the National Labor Relations Act seeking to represent a bargaining unit of certain employees employed by **GANNETT CO., DBA NORTH JERSEY MEDIA GROUP**. It appears that a question affecting commerce exists as to whether the employees in the unit described in the petition wish to be represented by a collective-bargaining representative as defined in Section 9(a) of the Act.

YOU ARE HEREBY NOTIFIED that, pursuant to Sections 3(b) and 9(c) of the Act, at 9:30 a.m. on **Monday, March 15, 2021** and on consecutive days thereafter until concluded, at the National Labor Relations Board, a hearing will be conducted before a hearing officer of the National Labor Relations Board.

I have decided to conduct the hearing telephonically due to the extraordinary circumstances of COVID-19 and the directions of state or local authorities including but not

limited to Shelter in Place orders, travel restrictions, social distancing and limits on the size of gatherings of individuals.

The hearing officer will hold a pre-hearing teleconference via the Agency's Skype for Business system (with all non-Agency participants using call-in only) at **10:00 AM on Tuesday, March 4, 2021** to discuss the logistics of the hearing.

YOU ARE FURTHER NOTIFIED that, pursuant to Section 102.63(b) of the Board's Rules and Regulations, **Gannett Co., dba North Jersey Media Group** must complete the Statement of Position and file it and all attachments with the Regional Director and serve it on the parties listed on the petition such that it is received by them by no later than **noon** Eastern time on **Friday, March 5, 2021**. Following timely filing and service of a Statement of Position by Gannett Co., dba North Jersey Media Group, the Petitioner must complete its Responsive Statement of Position(s) responding to the issues raised in the Employer's and/or Union's Statement of Position and file them and all attachments with the Regional Director and serve them on the parties named in the petition such that they are received by them no later than **noon** Eastern on **Wednesday, March 10, 2021**.

Pursuant to Section 102.5 of the Board's Rules and Regulations, all documents filed in cases before the Agency must be filed by electronically submitting (E-Filing) through the Agency's website (www.nlrb.gov), unless the party filing the document does not have access to the means for filing electronically or filing electronically would impose an undue burden. Documents filed by means other than E-Filing must be accompanied by a statement explaining why the filing party does not have access to the means for filing electronically or filing electronically would impose an undue burden. Detailed instructions for using the NLRB's E-Filing system can be found in the [E-Filing System User Guide](#)

YOU ARE FURTHER NOTIFIED that if the Employer and/or other non-petitioning parties, if any, raise issues in the submitted Statement(s) of Position, and/or if the Petitioner raises issues in the submitted Responsive Statement of Position, for which the Regional Director decides requires witness testimony during the hearing, I will direct that the hearing be conducted by videoconference and, if necessary, reschedule the hearing. If however, the parties agree to a telephonic hearing notwithstanding that witness testimony is required, or if the hearing will not involve witness testimony, it will proceed telephonically. *Morrison Healthcare*, 369 NLRB No. 76 (2020).

To participate in the scheduled telephonic hearing, representatives of the parties should call the number below and enter the provided Conference ID number when prompted to do so.

Conference ID: 160 223 5361
Passcode: 152744
646 828 7666 US (New York)
833 568 8864 US Toll-free

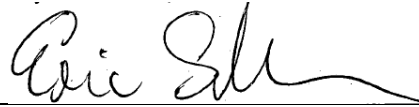
IT IS FURTHER ORDERED that a pre-hearing conference in the above-entitled matter is scheduled for **10:00 A.M. on Tuesday, March 4, 2021**. To participate in the pre-hearing telephonic conference, representatives of the parties should call the number below and enter the provided Conference ID number when prompted to do so.

Conference ID: (b) (6), (b) (7)(C)
Passcode: (b) (6), (b) (7)(C)

646 828 7666 US (New York)
833 568 8864 US Toll-free

The Statement of Position and Responsive Statement of Position must be E-Filed but, unlike other E-Filed documents, must be filed by **noon** Eastern on the due date in order to be timely. If an election agreement is signed by all parties and returned to the Regional Office before the due date of the Statement of Position, the Statement of Position and Responsive Statement of Position are not required to be filed. If an election agreement is signed by all parties and returned to the Regional office after the due date of the Statement of Position but before the due date of the Responsive Statement of Position, the Responsive Statement of Position is not required to be filed.

Dated: February 23, 2021

A handwritten signature in black ink, appearing to read "Eric S. Smith", is written over a horizontal line.

ACTING REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 22

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

News Guild of New York, Local 31003

and

Gannett Co., Inc. dba North Jersey Media Group

CASE 22-RC-273054

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

Gannett Co., Inc. dba North Jersey Media Group

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Steven M. Moss

MAILING ADDRESS: Benesch, 200 Public Square, Suite 2300, Cleveland, OH 44114

E-MAIL ADDRESS: smoss@beneschlaw.com

OFFICE TELEPHONE NUMBER: (216) 363-4675

CELL PHONE NUMBER: (216) 832-4519 FAX: (216) 363-4588

SIGNATURE: Steven M. Moss / (b) (6), (b) (7)(C)

DATE: (Please sign in ink.) February 24, 2021

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
STIPULATED ELECTION AGREEMENT

**GANNETT SATELLITE INFORMATION NETWORK, LLC
D/B/A THE BERGEN RECORD/THE RECORD (A DIRECT
WHOLLY OWNED SUBSIDIARY OF GANNETT MEDIA
CORP), AND GATEHOUSE MEDIA PENNSYLVANIA
HOLDINGS, INC. D/B/A THE NEW JERSEY HERALD (A
DIRECT WHOLLY OWNED SUBSIDIARY OF GATEHOUSE
MEDIA OPERATING, LLC)**

Case 22-RC-273054

The parties **AGREE AS FOLLOWS:**

1. PROCEDURAL MATTERS. The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

2. COMMERCE. The Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

The Employer, Gannett Satellite Information Network, LLC d/b/a The Bergen Record/The Record (A Direct Wholly Owned Subsidiary of Gannett Media Corp), and Gatehouse Media Pennsylvania Holdings, Inc. d/b/a The New Jersey Herald (A Direct Wholly Owned Subsidiary of Gatehouse Media Operating, LLC), a Delaware corporation with publication offices and places of businesses located at The Bergen Record, 1 Garret Mountain Plaza, Woodland Park, New Jersey; The Daily Record, 100 Commons Way, Rockaway, New Jersey; and The New Jersey Herald, 2 Spring Street, Newton, New Jersey, is engaged in the following business operations: the Employer produces, operates, and distributes newspapers and online news media and information services. During the preceding twelve months, in the course and conduct of its business operations herein described, the Employer has held membership in or subscribed to various interstate news services, advertised various nationally sold products, and derived gross revenue in excess of \$200,000. During the same period of time, the Employer purchased and received at its Woodland Park, New Jersey; Rockaway, New Jersey; and Newton, New Jersey facilities, goods and supplies valued in excess of \$50,000 directly suppliers located outside the State of New Jersey.

3. LABOR ORGANIZATION. The Petitioner is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

4. ELECTION. The election will be conducted by MAIL. The mail ballots will be mailed to employees employed by the Employer in the appropriate collective-bargaining unit from the office of the National Labor Relations Board, Region 22, on **Friday, April 2, 2021, at 5:00**

Initials: _____

p.m. Voters must return their mail ballots so that they will be received in the National Labor Relations Board, Region 22 office by **close of business on Friday, April 23, 2021.**

Voters must sign the outside of the envelope in which the ballot is returned. Any ballot received in an envelope that is not signed will be void.

To help avoid the untimely return of a ballot, any person who has not received a ballot by **Friday, April 9, 2021**, or otherwise requires a duplicate mail ballot kit should contact the Region 22 office by no later than close of business **Friday, April 9, 2021**, in order to arrange for another mail ballot kit to be sent to that employee.

Due to the extraordinary circumstances of COVID-19 and the directions of state and local authorities including but not limited to Shelter in Place orders, travel restrictions, social distancing and limits on the size of gatherings of individuals, the parties agree that the ballot count will take place on a date to be determined by the Regional Director during the period from **Friday, April 30, 2021 through Friday, May 7, 2021**, inclusive. The Region will provide notice to the parties of the scheduled date for the count at least 24 hours prior to the count. For the same reasons, the Parties further agree that the count will take place virtually on a platform (such as Skype, WebEx, etc.) to be determined by the Regional Director. The Parties further agree that each party will be allowed to have one observer attend the virtual ballot count.

If the election and/or count is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date, time, and place of the election.

5. UNIT AND ELIGIBLE VOTERS. The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

Included: All full-time and regular part-time editorial employees of the Bergen Record, Daily Record and New Jersey Herald, including all reporters, columnists, food editors, planners, magazine content coaches, designers, sports clerks, news clerks, photographers/videographers, video producers, graphic artists and photo desk coordinators employed by the Employer.

Excluded: All office clerical employees, confidential employees, temporary employees, managerial employees, professional employees, digital optimization employees, guards, and supervisors as defined in the Act, and all other employees of the Employer.

Those eligible to vote in the election are employees in the above unit who were employed during the **payroll period ending Sunday, March 14, 2021**, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off.

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls or by mail as described above in paragraph 4.

Initials: _____

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

6. VOTER LIST. Within 2 business days after the Regional Director has approved this Agreement, the Employer must provide to the Regional Director and all of the other parties a voter list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters. **The voter list must be filed with the Petitioner at the following electronic address: thomas@eisnerdicator.com.** The Employer must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. The font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. When feasible, the list must be filed electronically with the Regional Director and served electronically on the parties. The Employer must file with the Regional Director a certificate of service of the list on all parties.

7. THE BALLOT. The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of the need to have the Notice of Election and/or ballots translated.

The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by NEWSGUILD OF NEW YORK, LOCAL 31003, COMMUNICATIONS WORKERS OF AMERICA, AFL-CIO?" The choices on the ballot will be "Yes" or "No."

8. NOTICE OF ELECTION. The Regional Director, in his or her discretion, will decide the language(s) to be used on the Notice of Election. The Employer must post copies of the Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted, at least three (3) full working days prior to 12:01 a.m. of the day the ballots are mailed to employees. The Employer must also distribute the Notice of Election electronically, if the Employer customarily communicates with employees in the unit electronically. Failure to post or distribute the Notice of Election as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

9. NOTICE OF ELECTION ONSITE REPRESENTATIVE. The following individual will serve as the Employer's designated Notice of Election onsite representative: Dan Sforza, Executive Editor; 1 Garret Mountain Plaza, PO Box 471, Woodland Park, NJ 07424-0471; and sforza@northjersey.com.

10. ACCOMMODATIONS REQUIRED. All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29

Initials: _____

C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.

11. OBSERVERS. Each party may station an equal number of authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally. Each party may designate an observer or observers to participate in the count, including challenging the eligibility of voters.

12. TALLY OF BALLOTS. Upon conclusion of the election, the ballots will be counted, and a tally of ballots prepared and immediately made available to the parties.

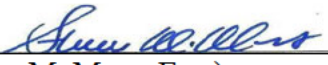
13. POSTELECTION AND RUNOFF PROCEDURES. All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

**GANNETT SATELLITE INFORMATION
NETWORK, LLC D/B/A THE BERGEN
RECORD/THE RECORD (A DIRECT
WHOLLY OWNED SUBSIDIARY OF
GANNETT MEDIA CORP), AND
GATEHOUSE MEDIA PENNSYLVANIA
HOLDINGS, INC. D/B/A THE NEW
JERSEY HERALD (A DIRECT WHOLLY
OWNED SUBSIDIARY OF GATEHOUSE
MEDIA OPERATING, LLC)**

(Employer)

**NEWSGUILD OF NEW YORK, LOCAL
31003, COMMUNICATIONS WORKERS
OF AMERICA, AFL-CIO**

(Petitioner)

By  3/12/21
(Steven M. Moss, Esq.) (Date)

Print

Name: Steven M. Moss

By  3/12/21
(Susan DeCarava, Union President) (Date)

Print

Name: Susan DeCarava

Recommended: /s/ Avinish Kuma 3/16/21
Avinish Kuma, Board Agent (Date)

Date approved: March 17, 2021

/s/ Richard Fox

**Acting Regional Director, Region 22
National Labor Relations Board**

Initials: _____



United States of America
National Labor Relations Board
NOTICE OF ELECTION



INSTRUCTIONS TO EMPLOYEES VOTING BY U.S. MAIL

PURPOSE OF ELECTION: This election is to determine the representative, if any, desired by the eligible employees for purposes of collective bargaining with their employer. (See VOTING UNIT in this Notice of Election for description of eligible employees.) A majority of the valid ballots cast will determine the results of the election. Only one valid representation election may be held in a 12-month period.

SECRET BALLOT: The election will be by secret ballot carried out through the U.S. mail under the supervision of the Regional Director of the National Labor Relations Board (NLRB). A sample of the official ballot is shown on the next page of this Notice. Voters will be allowed to vote without interference, restraint, or coercion. Employees eligible to vote will receive in the mail *Instructions to Employees Voting by United States Mail*, a ballot, a blue envelope, and a yellow self-addressed envelope needing no postage.

ELIGIBILITY RULES: Employees eligible to vote are those described under the VOTING UNIT on the next page and include employees who did not work during the designated payroll period because they were ill or on vacation or temporarily laid off. Employees who have quit or been discharged for cause since the designated payroll period and who have not been rehired or reinstated prior to the date of this election are not eligible to vote.

CHALLENGE OF VOTERS: An agent of the Board or an authorized observer may question the eligibility of a voter. Such challenge must be made at the time the ballots are counted.

AUTHORIZED OBSERVERS: Each party may designate an equal number of observers, this number to be determined by the NLRB. These observers (a) act as checkers at the counting of ballots; (b) assist in identifying voters; (c) challenge voters and ballots; and (d) otherwise assist the NLRB.

METHOD AND DATE OF ELECTION

The election will be conducted by United States mail. The mail ballots will be mailed to employees employed in the appropriate collective-bargaining unit at 5:00 p.m. on Friday, April 2, 2021. Voters must return their mail ballots so that they will be received in the National Labor Relations Board, Region 22 office by close of business on Friday, April 23, 2021.

To help avoid the untimely return of a ballot, any person who has not received a ballot by Friday, April 9, 2021, or otherwise requires a duplicate mail ballot kit should contact the Region 22 office at (862) 229-7030 no later than close of business Friday, April 9, 2021, in order to arrange for another mail ballot kit to be sent to that employee.

All ballots will be commingled and counted virtually at the Region 22 Office on a date determined by the Acting Regional Director during the period from Friday, April 30, 2021 through Friday, May 7, 2021 inclusive. In order to be valid and counted, the returned ballots must be received in the Region 22 Office prior to the counting of the ballots.

The ballots will be mailed to voters from the National Labor Relations Board, Region 22, 20 WASHINGTON PL, FL 5, NEWARK, NJ 07102-3127. Voters must sign the outside of the envelope in which the ballot is returned. Any ballot received in an envelope that is not signed will be automatically void.



United States of America
National Labor Relations Board



NOTICE OF ELECTION

INSTRUCTIONS TO EMPLOYEES VOTING BY U.S. MAIL

Those employees who believe that they are eligible to vote and did not receive a ballot in the mail by Friday, April 9, 2021, should communicate immediately with the National Labor Relations Board by either calling the Region 22 Office Board Agent at (862) 229-7030 or at or our national toll-free line at 1-844- 762-NLRB (1-844- 762-6572).

Due to the extraordinary circumstances of COVID-19 and the directions of state and local authorities including but not limited to Shelter in Place orders, travel restrictions, social distancing and limits on the size of gatherings of individuals, the parties agree that the ballot count will take place virtually on a platform (such as Skype, WebEx, etc.) to be determined by the Acting Regional Director on a date to be determined by the Acting Regional Director during the period from Friday, April 30, 2021 through Friday, May 7, 2021 inclusive. The Region will provide notice to the parties of the scheduled date for the count at least 24 hours prior to the count. For the same reasons, the Parties further agree that the count will take place virtually on a platform (such as Skype, WebEx, etc.) to be determined by the Regional Director. The Parties further agree that each party will be allowed to have one observer attend the virtual ballot count.

VOTING UNIT

EMPLOYEES ELIGIBLE TO VOTE:

Those eligible to vote are: All full-time and regular part-time editorial employees of the Bergen Record, Daily Record and New Jersey Herald, including all reporters, columnists, food editors, planners, magazine content coaches, designers, sports clerks, news clerks, photographers/videographers, video producers, graphic artists and photo desk coordinators, who were employed by the Employer during the payroll period ending Sunday, March 14, 2021.

EMPLOYEES NOT ELIGIBLE TO VOTE:

Those not eligible to vote are: All office clerical employees, confidential employees, temporary employees, managerial employees, professional employees, digital optimization employees, guards, and supervisors as defined in the Act, and all other employees of the Employer.



United States of America
National Labor Relations Board



NOTICE OF ELECTION

INSTRUCTIONS TO EMPLOYEES VOTING BY U.S. MAIL



UNITED STATES OF AMERICA
National Labor Relations Board

22-RC-273054



OFFICIAL SECRET BALLOT

For certain employees of

**GANNETT SATELLITE INFORMATION NETWORK, LLC D/B/A THE BERGEN
RECORD/THE RECORD (A DIRECT WHOLLY OWNED SUBSIDIARY OF GANNETT
MEDIA CORP), AND GATEHOUSE MEDIA PENNSYLVANIA HOLDINGS, INC. D/B/A
THE NEW JERSEY HERALD (A DIRECT WHOLLY OWNED SUBSIDIARY OF
GATEHOUSE MEDIA OPERATING, LLC)**

Do you wish to be represented for purposes of collective bargaining by

**NEWSGUILD OF NEW YORK, LOCAL 31003,
COMMUNICATIONS WORKERS OF AMERICA, AFL-CIO?**

MARK AN "X" IN THE SQUARE OF YOUR CHOICE

YES

☐

NO

☐

**DO NOT SIGN OR WRITE YOUR NAME OR INCLUDE OTHER MARKINGS THAT WOULD
REVEAL YOUR IDENTITY. MARK AN "X" IN THE SQUARE OF YOUR CHOICE ONLY. If you
make markings inside, or anywhere around, more than one square, you may request a new
ballot by referring to the enclosed instructions. If you submit a ballot with markings inside,
or anywhere around, more than one square, your ballot will not be counted.**

The National Labor Relations Board does not endorse any choice in this election. Any markings that you may see on any sample ballot have not been put there by the National Labor Relations Board.



United States of America
National Labor Relations Board
NOTICE OF ELECTION



INSTRUCTIONS TO EMPLOYEES VOTING BY U.S. MAIL

RIGHTS OF EMPLOYEES - FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union
- Choose representatives to bargain with your employer on your behalf
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities
- In a State where such agreements are permitted, the Union and Employer may enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the Union that they object to the use of their payments for nonrepresentational purposes may be required to pay only their share of the Union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustment).

It is the responsibility of the National Labor Relations Board to protect employees in the exercise of these rights.

The Board wants all eligible voters to be fully informed about their rights under Federal law and wants both Employers and Unions to know what is expected of them when it holds an election.

If agents of either Unions or Employers interfere with your right to a free, fair, and honest election the election can be set aside by the Board. When appropriate, the Board provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with the rights of employees and may result in setting aside of the election:

- Threatening loss of jobs or benefits by an Employer or a Union
- Promising or granting promotions, pay raises, or other benefits, to influence an employee's vote by a party capable of carrying out such promises
- An Employer firing employees to discourage or encourage union activity or a Union causing them to be fired to encourage union activity
- Making campaign speeches to assembled groups of employees on company time where attendance is mandatory, within the 24-hour period before the mail ballots are dispatched
- Incitement by either an Employer or a Union of racial or religious prejudice by inflammatory appeals
- Threatening physical force or violence to employees by a Union or an Employer to influence their votes

The National Labor Relations Board protects your right to a free choice.

Improper conduct will not be permitted. All parties are expected to cooperate fully with this Agency in maintaining basic principles of a fair election as required by law.

Anyone with a question about the election may contact the NLRB Office at (973)645-2100 or visit the NLRB website www.nlr.gov for assistance.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 22**

**GANNETT SATELLITE INFORMATION NETWORK, LLC
D/B/A THE BERGEN RECORD/THE RECORD (A DIRECT
WHOLLY OWNED SUBSIDIARY OF GANNETT MEDIA
CORP), AND GATEHOUSE MEDIA PENNSYLVANIA
HOLDINGS, INC. D/B/A THE NEW JERSEY HERALD (A
DIRECT WHOLLY OWNED SUBSIDIARY OF GATEHOUSE
MEDIA OPERATING, LLC)**

Employer

and

Case 22-RC-273054

**NEWSGUILD OF NEW YORK, LOCAL 31003,
COMMUNICATIONS WORKERS OF AMERICA, AFL-CIO**

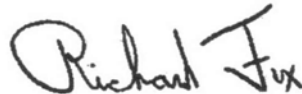
Petitioner

ORDER SCHEDULING MAIL BALLOT COUNT

Based on a petition filed on February 22, 2021 and pursuant to a Stipulated Election Agreement, approved by the Acting Regional Director, entered into by the parties which scheduled a mail ballot election for March 17, 2021. The parties agreed that the mail ballot count would take place on a date to be determined by the Acting Regional Director during the period from Friday, April 30, 2021 through Friday, May 7, 2021, and that the Region would provide notice to the parties of the scheduled date for the count at least 24 hours prior to the count. It was further agreed that the count would take place virtually on a platform (such as Zoom, etc.) to be determined by the Acting Regional Director. Accordingly,

IT IS ORDERED that the mail ballot election count is hereby scheduled to be conducted on **Friday, May 7, 2021 at 10:00 a.m.** via Zoom (scheduling and invitation details to be provided). All other details shall remain the same as those contained in the approved Stipulated Election Agreement.

Dated: May 3, 2021



RICHARD FOX
ACTING REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 22
20 WASHINGTON PL
FL 5
NEWARK, NJ 07102-3127

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 22**

**GANNETT SATELLITE INFORMATION
NETWORK, LLC D/B/A THE BERGEN
RECORD/THE RECORD (A DIRECT WHOLLY
OWNED SUBSIDIARY OF GANNETT MEDIA
CORP), AND GATEHOUSE MEDIA
PENNSYLVANIA HOLDINGS, INC. D/B/A THE
NEW JERSEY HERALD (A DIRECT WHOLLY
OWNED SUBSIDIARY OF GATEHOUSE MEDIA
OPERATING, LLC)**

Employer

and

Case 22-RC-273054

**NEWSGUILD OF NEW YORK, LOCAL 31003,
COMMUNICATIONS WORKERS OF AMERICA,
AFL-CIO**

Petitioner

**AFFIDAVIT OF SERVICE OF: ORDER SCHEDULING MAIL BALLOT COUNT
DATED MAY 3, 2021.**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **May 3, 2021**, I served the above documents by electronic mail upon the following persons, addressed to them at the following addresses:

STEVEN M. MOSS, ESQ.
BENESCH, FRIEDLANDER, COPLAN &
ARONOFF LLP
200 PUBLIC SQUARE, SUITE 2300
CLEVELAND, OH 44114
smoss@beneschlaw.com
Fax: (216)363-4588

DANIEL SFORZA, EXECUTIVE EDITOR
GANNETT SATELLITE INFORMATION
NETWORK, LLC D/B/A THE BERGEN
RECORD/THE RECORD (A DIRECT
WHOLLY OWNED SUBSIDIARY OF
GANNETT MEDIA CORP), AND
GATEHOUSE MEDIA PENNSYLVANIA
HOLDINGS, INC. D/B/A THE NEW
JERSEY HERALD (A DIRECT WHOLLY
OWNED SUBSIDIARY OF GATEHOUSE
MEDIA OPERATING, LLC)
1 GARRET MOUNTAIN PLAZA
PO BOX 471
WOODLAND PARK, NJ 07424
sforza@northjersey.com

THOMAS J. LAMADRID, ESQ.
EISNER & DICTOR, P.C.
39 BROADWAY
SUITE 1540
NEW YORK, NY 10006-3091
thomas@eisnerdicator.com
Fax: (212)473-8705

NEWSGUILD OF NEW YORK, LOCAL
31003, COMMUNICATIONS WORKERS
OF AMERICA, AFL-CIO
1500 BROADWAY
STE 900
NEW YORK, NY 10036

May 3, 2021

Date

Isaaida Sanabia, Designated Agent of
NLRB

Name

/s/ Isaaida Sanabia

Signature

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

GANNETT SATELLITE INFORMATION NETWORK, LLC
D/B/A THE BERGEN RECORD/THE RECORD (A DIRECT
WHOLLY OWNED SUBSIDIARY OF GANNETT MEDIA
CORP), AND GATEHOUSE MEDIA PENNSYLVANIA
HOLDINGS, INC. D/B/A THE NEW JERSEY HERALD (A
DIRECT WHOLLY OWNED SUBSIDIARY OF GATEHOUSE
MEDIA OPERATING, LLC)

(EMPLOYER)

AND
NEWSGUILD OF NEW YORK, LOCAL 31003,
COMMUNICATIONS WORKERS OF AMERICA, AFL-CIO

(PETITIONER)

Case No. 22-RC-273054

Date Filed Feb 2022

Date issued 5/7/21

City Newark

State NJ

(if applicable check
either or both:)

Type of Election:
(Check one:)

- ☒ Stipulation
☐ Board Direction
☐ Consent Agreement
☐ RD Direction Incumbent Union (Code)

- ☐ S(b) (7)
☒ Mail Ballot

TALLY OF BALLOTS

The undersigned agent of the Regional Director certifies that the results of tabulation of ballots case in the
election held in the above case, and concluded on the date indicated above, were as follows:

1. Approximate number of eligible voters 83
2. Number of Void ballots 01
3. Number of Votes cast for NEWSGUILD OF NEW YORK, LOCAL 31003, COMMUNICATIONS WORKERS OF AMERICA, AFL-CIO 59
4. Number of ~~Invalid~~ 4
5. Number of ~~Invalid~~ 4
6. Number of Votes cast against participating labor organization(s) 4
7. Number of Valid votes counted (sum 3, 4, 5, and 6) 63
8. Number of challenged ballots 11
9. Number of Valid votes counted plus challenged ballots (sum of 7 and 8) 74
10. Challenges are (not) sufficient in number to affect the results of the election.
11. A majority of the valid votes counted plus challenged ballots (Item 9) (not) have been cast for
NEWSGUILD OF NEW YORK, LOCAL 31003, COMMUNICATIONS WORKERS OF AMERICA, AFL-CIO

For the Regional Director

ACTING REGIONAL DIRECTOR

The undersigned acted as authorized observers in the counting and tabulating of ballots indicated above. We
hereby certify that the counting and tabulating were fairly and accurately done, that the secrecy of the ballots was
maintained, and that the results were as indicated above. We also acknowledge service of this tally.

For

(EMPLOYER)

For

(PETITIONER)

For

Not Available to sign due to zoom call

Not Available to sign due to zoom call

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 22**

**GANNETT SATELLITE INFORMATION NETWORK,
LLC D/B/A THE BERGEN RECORD/THE RECORD (A
DIRECT WHOLLY OWNED SUBSIDIARY OF
GANNETT MEDIA CORP), AND GATEHOUSE
MEDIA PENNSYLVANIA HOLDINGS, INC. D/B/A
THE NEW JERSEY HERALD (A DIRECT WHOLLY
OWNED SUBSIDIARY OF GATEHOUSE MEDIA
OPERATING, LLC)**

Case 22-RC-273054

Employer

and

**NEWSGUILD OF NEW YORK, LOCAL 31003,
COMMUNICATIONS WORKERS OF AMERICA,
AFL-CIO**

Petitioner

TYPE OF ELECTION: STIPULATED

CERTIFICATION OF REPRESENTATIVE

An election has been conducted under the Board's Rules and Regulations. The Tally of Ballots shows that a collective-bargaining representative has been selected. No timely objections have been filed.

As authorized by the National Labor Relations Board, it is certified that a majority of the valid ballots has been cast for

**NEWSGUILD OF NEW YORK, LOCAL 31003, COMMUNICATIONS WORKERS
OF AMERICA, AFL-CIO**

and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit:

Unit: Included: All full-time and regular part-time editorial employees of the Bergen Record, Daily Record and New Jersey Herald, including all reporters, columnists, food editors, planners, magazine content coaches, designers, sports clerks, news clerks, photographers/videographers, video producers, graphic artists and photo desk coordinators employed by the Employer.

Excluded: All office clerical employees, confidential employees, temporary employees, managerial employees, professional employees, digital optimization employees, guards, and supervisors as defined in the Act, and all other employees of the Employer.



May 17, 2021

RICHARD FOX
Acting Regional Director, Region 22
National Labor Relations Board

Attachment: Notice of Bargaining Obligation

NOTICE OF BARGAINING OBLIGATION

In the recent representation election, a labor organization received a majority of the valid votes cast. Except in unusual circumstances, unless the results of the election are subsequently set aside in a post-election proceeding, the employer's legal obligation to refrain from unilaterally changing bargaining unit employees' terms and conditions of employment begins on the date of the election.

The employer is not precluded from changing bargaining unit employees' terms and conditions during the pendency of post-election proceedings, **as long as** the employer (a) gives sufficient notice to the labor organization concerning the proposed change(s); (b) negotiates in good faith with the labor organization, upon request; and (c) good faith bargaining between the employer and the labor organization leads to agreement or overall lawful impasse.

This is so even if the employer, or some other party, files objections to the election pursuant to Section 102.69 of the Rules and Regulations of the National Labor Relations Board (the Board). If the objections are later overruled and the labor organization is certified as the employees' collective-bargaining representative, the employer's obligation to refrain from making unilateral changes to bargaining unit employees' terms and conditions of employment begins on the date of the election, not on the date of the subsequent decision by the Board or court. Specifically, the Board has held that, absent exceptional circumstances,¹ an employer acts at its peril in making changes in wages, hours, or other terms and conditions of employment during the period while objections are pending and the final determination about certification of the labor organization has not yet been made.

It is important that all parties be aware of the potential liabilities if the employer unilaterally alters bargaining unit employees' terms and conditions of employment during the pendency of post-election proceedings. Thus, typically, if an employer makes post-election changes in employees' wages, hours, or other terms and conditions of employment without notice to or consultation with the labor organization that is ultimately certified as the employees' collective-bargaining representative, it violates Section 8(a)(1) and (5) of the National Labor Relations Act since such changes have the effect of undermining the labor organization's status as the statutory representative of the employees. This is so even if the changes were motivated by sound business considerations and not for the purpose of undermining the labor organization. As a remedy, the employer could be required to: 1) restore the status quo ante; 2) bargain, upon request, with the labor organization with respect to these changes; and 3) compensate employees, with interest, for monetary losses resulting from the unilateral implementation of these changes, until the employer bargains in good faith with the labor organization, upon request, or bargains to overall lawful impasse.

¹ Exceptions may include the presence of a longstanding past practice, discrete event, or exigent economic circumstance requiring an immediate response.